

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
November 27, 2006**

BOARD MEMBERS PRESENT: Lane Adamson, Dorothy Davis, Kathy Looney, Dave Maddison, Bill Olson, Laurie Schmidt and Ann Schwend.

BOARD MEMBERS ABSENT: Pat Bradley, John Lounsbury, Eileen Pearce and Ed Ruppel.

OTHERS PRESENT: County Commissioners Ted Coffman and Dave Schulz, Dave Albert, Kevin Germain, Jessi Fanelli, Larry Larsen, Don Bowen, Jack Reints, Rebecca L. Ramsey, Richard Andersen, Linda Andersen, Bill Fenn, Dana Fenn, Tom Hardeman, Paula Hardeman, Shiloh Klatt, Curtis Kruer, Director of Planning Doris Fischer, Planner 1 Staci Beecher, Planning Secretary Marilee Foreman-Tucker.

MOTION: Minutes of the October 30, 2006 meeting were approved as presented. Minutes of the October 30, 2006 work session were approved and the Procedural Rules were approved with a correction. **Moved by:** Laurie Schmidt, **seconded by:** Lane Adamson. **All voted aye.**

President's Comments: This is my last meeting as President and I have enjoyed it and want to thank everyone for putting up with me.

Public Comment: None

OLD BUSINESS

a. Madison Growth Solutions Process

The process will be on hold during the holidays, Lane said, and beginning in January there will be some public discussions of the private property rights issue. Doris indicated there was interest in having the Planning Board co-sponsor a few work sessions on the draft Madison Valley Growth Management Action Plan.

MOTION: The Planning Board should co-sponsor 2 work sessions with Madison Growth Solutions to help refine language in the Madison Valley Growth Management Action Plan and address concerns that came up in the public hearings. **Moved by:** Lane Adamson, **seconded by:** Dave Maddison. **All voted aye.**

b. Other – None

PRELIMINARY PLAT REVIEW OF JACK REINTS MINOR SUBDIVISION, Jeffers (Erna Reints, landowner)

Staci Beecher described the project as being 78.25 acres on which the landowner plans to put 3 single family residences with lot sizes ranging from 20-38.5 acres. The land is located one mile northeast of Jeffers. The current owner, not the land divider, will retain the water rights. Staci distributed a letter from Attorney for Jack Reints James McLean in which he expressed their desire to increase the size of the building envelopes and have flexibility with building envelope locations.

Discussion and Questions:

- ❖ Jack Reints- I am selling this because of financial reasons.
- ❖ Why are there no covenants? *Dave Albert: None of us can speak for the buyer, but these covenants were done in great haste and some things were overstated. Buyer wants covenants they can live with. Purchaser wants this to be in a conservation easement at some point and doesn't think they need covenants.*
- ❖ Is there a regulation that says we have to have covenants? *No.*
- ❖ Why are the water rights being kept by the seller? *The land has never been irrigated and does not need to be.*
- ❖ It seems that domestic pets, weed management and agricultural use could be addressed in covenants.
- ❖ Why didn't the buyer do the subdivision proposal? *Supposedly it's going into conservation easement after the sale of the property. This was also done to avoid too much in taxes for the seller. If done in three parts (three parcels), then the tax burden would be less. Buyer owns the land next door and did not want to see this developed.*
- ❖ Is wildlife friendly fencing a problem? *No, except for the area right next to any houses.*
- ❖ If there is high ground water, how will the septic work? *There will have to be only one drainfield.*
- ❖ You are asking the Planning Board to make a decision on something when we don't have enough concrete information on the topic.
- ❖ Can we postpone making a decision on this until the January meeting? *The 35 working day clock has begun and wouldn't take this to the end of January.*
- ❖ It's best to stick with the three-acre building envelopes, and require all buildings to be located within them.

MOTION: To recommend preliminary plat approval of the Jack Reints Minor Subdivision with conditions outlined in Staff Report. Moved by: Ann Schwend, **seconded by:** Dave Maddison. (no vote taken at first)

AMENDED MOTION: To modify the 1st sentence of Condition #11 to read, *The final plat must identify the three acre building envelopes in which all buildings will be contained, or a building envelope plan shall accompany the final plat (subdivider's choice).* Moved by: Ann Schwend, **seconded by:** Laurie Schmidt. **All voted aye.**

All voted aye on the Main Motion.

Parties involved in the Jack Reints sale and subdivision opted to go to the County Commissioners on December 12, 2006 in Virginia City.

PLANNING BOARD RECOMMENDATION

Based on the subdivision application, staff report, November 27th, 2006 public meeting and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to the Jack Reints Minor Subdivision, subject to the conditions listed below.

[Standard conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.

2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. Road and utility easements shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

[Additional site-specific conditions]

6. Prior to final plat approval, the Madison County Sanitarian must approve all lots for water, sewer, solid waste, and storm drainage.
7. Prior to any construction requiring sanitation, a Madison County septic permit must be obtained for the lot being developed.
8. Prior to final plat approval, each lot must be assigned a *temporary* physical address in accordance with Madison County's rural addressing and Emergency 911 system. Individual address signs shall be installed once permanent addresses are assigned.
9. Encroachment permits for any driveways off of Jeffers Loop Road and Jack Creek Bench Road shall be recorded at or before the time of final plat approval.
10. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by Madison County to upgrade and/or maintain Jeffers Loop Road or Jack Creek Bench Road.
11. The final plat must identify three acre building envelopes which include all buildings for each lot, **or** a building envelope plan shall accompany the final plat (subdivider's choice.) If the subdivider chooses to submit a building envelope plan, the County Planning Office will serve as a repository for the plan. Proposed building envelope changes shall require County review and approval. The face of the final plat shall reference the building envelope plan.
12. Prior to final plat approval, a grazing plan for the subdivision property shall be developed and submitted to the County Planning Office.

Additional Staff Recommendations

The county does not require covenants for subdivisions in Madison County, but encourages them to help mitigate some potential negative impacts posed by subdivisions. The following suggestions could be drafted and incorporated into a set of land use covenants.

- 1.) Some provisions encouraging any new fencing to be wildlife-friendly. The guidelines from Fish, Wildlife, and Parks recommend the bottom wire be 18 inches or higher and the top wire be placed at a maximum of 42-45 inches or (3.5-3.75 ft.)

- 2.) An implementation strategy for the noxious weed management plan could be included in covenants.
- 3.) The grazing plan could be included in the covenants to help inform lot buyers about grazing on the land. Also, any other landowner considerations about any haying or grazing could be included in covenants.
- 4.) Some provisions for pet control in the subdivision. Also, certain types of animals could be prohibited with covenants.
- 5.) A provision for 'downward' or 'downcast' exterior lighting to help protect the neighbors from unnecessary lights during the evening.
- 6.) The covenants could explain the status regarding further subdivision on the land. Currently, it is unclear if the landowner wishes to allow or restrict future subdivisions on the land.

PUBLIC HEARING AND PRELIMINARY PLAT REVIEW OF SPHINX MOUNTAIN VIEW SUBDIVISION aka THE HOLDING PEN SUBDIVISION, Cameron (Sentinel Creek Ventures, LLC, landowner)

Staci Beecher described the property as originally being called The Holding Pen. She said that it will have to have another name for the subdivision other than Sphinx Mountain because that name is already used as a subdivision. The land is located approximately 12 miles south of Ennis. The developers propose to create eight residential lots of approximately 20 acres each on 166 total acres.

DISCUSSION AND QUESTIONS:

- ❖ Who is Sentinel Creek Ventures? *Don Bowen, Shiloh Klatt and Larry Larsen.*
- ❖ Where is there some emergency access? *The utility 30' easement can be used as emergency access.*
- ❖ Richard Anderson of Lonesome Dove: We are concerned about easements coming off of Lonesome Dove. *Easements are coming through Sphinx Mountain View.*
- ❖ Staff report says that fencing is limited to 7 acres, then the covenants say 3.5 acres. *It was later amended in a different draft of the covenants to 7 acres.*

MOTION: To recommend approval of the Sphinx Mountain View Subdivision as per the Staff Report recommendations. Moved by: Dave Maddison, **seconded by:** Lane Adamson. **All voted aye.**

PLANNING BOARD RECOMMENDATION

Based on the subdivision application, staff report, November 27th public hearing and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to Sphinx Mountain View Subdivision, subject to the conditions listed below.

[Standard conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.

2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. Road, utility, and ditch easements shall be clearly shown and labeled on the final plat. (Ditch access and maintenance easement shall be 15 ft. from the centerline on both sides.)
5. Future modification of any elements shown on the plat may not be made without County review and approval.

[Additional site-specific conditions]

6. Prior to final plat approval, the Madison County Sanitarian must approve all lots for water, sewer, solid waste, and storm drainage.
7. Prior to any construction requiring sanitation, a Madison County septic permit must be obtained for the lot being developed.
8. Prior to final plat approval, each lot must be assigned a *temporary* physical address in accordance with Madison County's rural addressing and Emergency 911 system. Individual address signs shall be installed once permanent addresses are assigned.
9. Prior to final plat approval, an approach permit must be obtained from the Montana Department of Transportation.
10. Prior to final plat approval, the public access subdivision roads shall be constructed by the developer in compliance with the design standards outlined in the November 2000 Madison County Subdivision Regulations, as amended. The subdivision roads shall be classified as a “level road” with “high density.” (See page 47 of the regulations). The subdivision road cul-de-sac shall be constructed with a minimum 110 ft. driving surface. Road signs must be installed, and reseeded of the disturbed areas must occur. All road maintenance, including but not limited to grading and snowplowing and removal, shall be the responsibility of the landowners, not Madison County. In the event that the roads and other such required improvements are not completed prior to the final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee (see Subdivision Regulations, Appendix M.) shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the Letter of Credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit must cover the time period needed to complete project improvements. The easement documents verifying legal primary and emergency access to the subdivision shall be recorded with the final plat.
11. Prior to final plat approval, an underground cistern of at least a 10,000 gallon capacity shall be installed on-site, and under the specifications acceptable to the Madison Valley Rural Fire District. Maintenance of the cistern and its above-ground connection shall be the ongoing responsibility of the subdivision. In the event that the fire protection facility

installation is not completed prior to the final plat submission, the facility shall be covered under the Subdivision Improvements Agreement described above.

Additional County Planning Staff Recommendations

Planning staff recommends that several of the suggestion made by Bob Brannon and the Office of Emergency Management be incorporated into the Sphinx Mountain covenants or into covenants applying to the proposed subdivision.

- 1.) Incorporate some specific guidelines for wildlife friendly fencing. These guidelines from Fish, Wildlife, and Parks recommend the bottom wire be 18 inches or higher and the top wire be place at a maximum of 42-45 inches or (3.5-3.75 ft.)
- 2.) Incorporate a provision for encouraging owners to feed pets inside and keep them indoors at night.
- 3.) Discourage bird feeders in the subdivision by way of covenants. Also, prohibit domestic chickens in the subdivision area.
- 4.) Incorporate provisions for storing trash indoors to avoid attracting wildlife. Also, be sure any onsite trash sites are wildlife proof.
- 5.) Include provisions for defensible space and use of fire resistant construction materials for homesites.

PUBLIC HEARING AND PRELIMINARY PLAT REVIEW OF BEAR CREEK ESTATES SUBDIVISION (new), Cameron (Rocky Hermanson, Art Hoffart, and Troy White, landowners) POSTPONED.

MOONLIGHT BASIN RANCH OVERALL DEVELOPMENT PLAN – Update

Kevin Germain addressed the board and audience with the ODP for Moonlight Basin Ranch with the following content:

- Fuels Management Plan, including fire history, fuel loading, mitigation and suppression.
- GCCRFD Annexation (or equivalent arrangement)
- Cultural Resources Inventory
- Shuttle/Carpool Policy
- Wildlife Monitoring Program
- Wetlands Delineation and Geotechnical Analysis
- Avoid and Prohibit Ridgetop Development
- Adequate Water Supply for Firefighting
- Ambassador Housing (Employee)
- Trails Planning and Wilderness Use
- MT Hwy 64

PRE-APPLICATION REVIEW OF PASSAMARI HEIGHTS MAJOR SUBDIVISION PHASES IV and V, Sheridan (Mary Tolson, landowner)

Rebecca Ramsey of Clear Creek Realty presented the 19 single family residential lot subdivision on behalf of Karen Talley and the owner Mary Tolson. It will be within the Town of Sheridan after annexation takes place. The lots will connect to the Town's sewer and water systems. They will range from .72 acres to 1.5 acres in size. This is to be offered for sale in phases.

DISCUSSION AND COMMENTS:

- ❖ What about the sewer problems in Sheridan. *Town has to show that they are addressing sewer shortfalls. The new sewer system is expected in 2008.*
- ❖ Is there a possibility of a trail system to tie in with The Homestead Subdivision? *The Homestead did designate a trail, but the land in between belongs to the Tolsons and they are not interested in having a trail go across their land.*
- ❖ Bieler Lane should be improved and widened.
- ❖ What about a duplex or two on the land? *Tolsons would rather not. They would like to keep the character of the land and development.*

NEW BUSINESS

Review of Conservation Easements

1. Consolidation of Jumping Horse Ranch 1, II III and Braxton Property II Easements, east of Jeffers
(no additional acreage)
2. Granger Ranch II, south of Ennis
6,368 acres
3. Hicks Property, northeast of Harrison
1,224 acres
4. Higgins/Fay Property, west of Sheridan
484 acres
5. Sward Property, west of Norris
840 acres
6. Graham Property V – Three Dollar Ranch, south of Cameron
8,300 acres

Questions/Comments:

1. The consolidation of Braxton Conservation easements will become more restrictive by tightening up development rights. It would be interesting to see the criteria used by Montana Land Reliance.
2. How is the point system determined?

Appointment of the Nominating Committee

Dave and Lane

Planning Board Member Reports

1. Kathy Looney- The Big Sky, Big Sprawl was a terrific experience. She was very impressed with the presentations for affordable housing.
2. Ann Schwend- She attended forums regarding water rights and exempt well states and said they were extremely helpful and interesting.
3. The Watershed Symposium is next week in Great Falls and Lane is doing a presentation.
4. The article about growth in and around Driggs, Idaho was interesting to many of the Planning Board members.
5. Lane reported that he and John Crumley went to Chaffee County Colorado to discuss water rights and growth and were very glad to return to Madison County. Colorado has water districts with no oversight on those individuals who sit on the water district boards.
6. Kathy Looney reported that there is a homeowner's guide to septic systems available through the State in Helena.

7. Dave asked about cash on hand and budget situation and Doris reported that it was tight at this point, but should improve once the tax payments begin coming in. Doris also said that we need the reimbursement from the State for the Community Development Block Grant.

Other

Bill pointed out that this is Ted Coffman's last Planning Board meeting as a County Commissioner and a few of the members gave farewells.

1. Laurie Schmidt- You have made being on the Planning Board a good experience.
2. Dave Maddison- Ted's experience is just invaluable.
3. Lane Adamson- Ted exemplifies fairness and going by the law. We've been fortunate to have that approach. That's invaluable, as well as a sense of humor that's unique.
4. Bill Olson- I have grown to appreciate your skills; your sense of humor has been a ploy, get them relaxed and then pounce on them. It's been a real pleasure working with you.
5. Ann Schwend- We're really going to miss you. Heaven forbid that you bring us a subdivision.

The meeting adjourned at 8:30 p.m. The next Planning Board meeting will be January 29, 2007.

William J. Olson, President

**Marilee Foreman-Tucker
Secretary**